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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,578	09/27/2001	Masanori Watanuki	04329.2682	9687

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EXAMINER

FAULK, DEVONA E

ART UNIT PAPER NUMBER

2644

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/963,578

Examiner

Devona E. Faulk

Applicant(s)

WATANUKI, MASANORI

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on **15 July 2005** is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

  
VIVIAN CHIN

SUPERVISORY PATENT EXAMINER

Continuation of 4(e) Other. The amendment filed on 7/15/2005 electing species 3-Figure 6, claims 21- 28 and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The claims elected were claims 21-28 and these claims are not readable on the elected invention because the examiner has determined that all the claims are drawn to either one of the species 1,2,5-8 but none are drawn to species 3 or 4. The applicant needs to elect another species (See attached comments).

## DETAILED ACTION

### *Election/Restrictions*

1. The amendment filed on 7/15/2005 electing species 3-Figure 6, claims 21- 28 and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The claims elected were claims 21-28 and these claims are not readable on the elected invention because the examiner has determined that all the claims are drawn to either one of the species 1,2,5-8 but none are drawn to species 3 or 4. The applicant needs to elect another species. The species indicated in the previous office action are as follows:

**Species 1-** Figure 4 to a first embodiment having an error detecting/correcting circuit and retransmission request interpreter; (claims 5,11,27);

**Species 2-**Figure 5 to a second embodiment having a L-side data extracting section and a R-side extracting section(claims 13,16);

**Species 3-**Figure 6 to a third embodiment having a L-R separator;

**Species 4-**Figure 7 to a fourth embodiment wherein the headphone has a microphone and a microphone position detector;

**Species 5-**Figure 8 to a fifth embodiment having a operating switch, a switch state detector and a player side-operating switch (claims 6,14,22);

**Species 6-**Figure 9 to a sixth embodiment having a voice recognition command interpreter (claims 7,8,15,23);

**Species 7-**Figure 10 to a seventh embodiment having a battery level detector, battery, warning sound generator, and a display device control section (claims 9,17,25);

**Species 8**-Figure 11 to an eighth embodiment having a error rate measuring unit and a electric field intensity measuring section (claims 10,12,18,29,26).

Claim 21 is a generic claim.

2. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/963,578  
Art Unit: 2644

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11/23/05